

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CALVIN FLOWERS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07cv587-WKW
)	(WO)
AUTAUGA COUNTY METRO)	
JAIL, <i>et al.</i> ,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

In this 42 U.S.C. § 1983 action, the plaintiff alleges that his constitutional rights were violated during his confinement at the Montgomery City Jail. On July 23, 2007, this court received back an order mailed to the plaintiff. This order was returned to sender as undeliverable because the plaintiff “[r]efused because of name spelling.” Moreover, the Federal Bureau of Prisons’ Inmate Locator website indicates that the plaintiff is now housed at the United States Penitentiary in Coleman, Florida. In the order of procedure entered in this case, the court instructed the plaintiff to immediately notify the court of any new address. *See Order of July 11, 2007*, p. 6 (doc. # 4). On August 20, 2007, the court ordered the plaintiff to show cause why this case should not be not be dismissed for his failure to comply with the orders of this court. *See Order of August 20, 2007* (doc. # 8). To date, the plaintiff failed to respond to the order of the court or to notify the court of his change in address as required by the court’s prior orders. In light of the foregoing, the court concludes that the plaintiff has abandoned his claims and failed to prosecute this action.

The court has reviewed the file in this case to determine whether less drastic sanctions than dismissal are appropriate and finds that under the facts of this case dismissal is the proper sanction. The plaintiff is an indigent federal inmate. Moreover, the plaintiff has exhibited a lack of respect for this court and its authority as he has failed to respond to the orders entered in this case. It is therefore clear that any additional effort by this court to procure the plaintiff's compliance would be unavailing. Thus, the court finds that the imposition of monetary or other punitive sanctions against the plaintiff would be ineffectual. Consequently, the court concludes that the plaintiff's abandonment of his claims, his failure to comply with the orders of this court and his failure to prosecute this cause of action warrant dismissal of this case.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed for the plaintiff's abandonment of his claims, his failure to comply with the orders of this court and his failure to prosecute this action. It is further

ORDERED that the parties shall file any objections to the said Recommendation on or before **September 11, 2007**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a de novo determination by the District

Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 29th day of August, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE